

**REMARKS**

Claims 1-84 are currently pending in this application. Claims 4, 7, 34, 47 and 60 have been amended. Applicant submits that no new matter has been entered by way of this amendment. Applicant respectfully requests reconsideration of the above-identified application, in view of the foregoing amendments and the following remarks.

**Drawing Objections**

The Office Action includes a Notice of Draftperson's Patent Drawing Review dated April 1, 2004 that objects to Figs. "7F" and "7F (Cont)", as "Views not labeled separately or properly." Applicant includes herewith proposed drawing amendments to Fig. "7F" and Figs. "7F (Cont.))" The Figures have been amended to recite Figs. 7F1, 7F2, 7F3 and 7F4, respectively. Accordingly, the specification has been amended to reflect the proposed amendments. Furthermore, upon approval of the proposed drawing amendments, Applicant requests substitution of the enclosed amended Figs 7F1, 7F2, 7F3 and 7F4, which incorporate the proposed amendments for the originally-filed drawings.

**Claim Objections**

Claim 47 has been objected to due to an informality. Applicant has amended claim 47 to correct the informality and submits that the objection has been overcome.

**Claim Rejections – 35 U.S.C. § 112**

Claim 7 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which applicant regards as the invention. Applicant respectfully disagrees with the Examiner's assertion that dependent claim 7 contradicts independent claim 1. However, in order to further clarify the pending claims, dependent claims 7, 34 and 60 have been amended. Therefore, Applicant requests withdrawal of this ground of rejection.

**Claim Rejections – 35 U.S.C. § 103**

Claims 1-13, 15-40, 42-66, 68-83 have been rejected under 35 U.S.C. § 103(a), as allegedly being unpatentable over Al-omari, et al. (US Patent No. 6,438,741) (Al-omari), in view of Preisig (US Patent Application No. 20002/018429). Claims 14, 41, 67 and 84 have been rejected under 35 U.S.C. § 103(a), as allegedly being unpatentable over Al-omari, et al. (US Patent No. 6,438,741) (Al-omari), in view of Preisig (US Patent Application No. 2002/018429) (Preisig), further in view of Driesch Jr., et al (US Patent Application No. 2003/0065648). Applicant respectfully traverses the rejection and submit that the pending claims are patentably distinct from the cited reference.

Independent claim 1 recites *inter alia*, "A method for processing... performed by an alternate database engine, the method comprising...processing the database command using only a command layer of an alternate database engine without accessing the command layer of the first database engine...." Applicant submits that that cited references, taken alone or in combination do not disclose, teach or suggest the elements, as recited in independent claim 1.

Al-omari is directed to a system and method for eliminating compile time explosion in a top down rule based system using selective sampling. More generally, Al-omari, is a query optimization system providing an alternative to conventional processing-intensive recursive analysis of complex database queries. (See, Al-omari, Col. 3., lines 1-45). In these passages, Al-omari discusses the primary “problem with conventional query optimizers” and a summary of Al-omari’s solution to the problem – implementing “a search engine and a database implementor (DBI) that are used to generate an optimal plan for an input query....” Al-omari’s system is simply a query optimizer. Al-omari does not disclose, teach or suggest an “alternate database engine” configured as recited in independent claim 1.

Furthermore, the Office Action acknowledges, “Al-omari does not explicitly teach requiring data from a first database engine....” (See, Office Action, page 2, ¶6). The Office action relies on Preisig to remedy this deficiency. However, Preisig discloses router 14, which routes a database query to either the DXX Invoker 18 or the DXX Admin Servlet 16 depending on whether a request is in a proper request format. More specifically in Preisig, “The router includes a servlet [16] that replaces some parameters in the parameterized statement with corresponding values from the client request to establish a fully qualified statement.” Afterwhich, the servlet in Preisig’s system “sends the SQL statement to the database system for execution thereof.” (See, Preisig, ¶ 8).

Applicant respectfully submits that neither Al-omari or Preisig, taken alone or in combination, disclose, teach or suggest an alternate database engine, as claimed in independent claim 1, and discussed throughout the specification (See, Figs. 7D – 8C and the corresponding text on page 21 line 19-page 25, line 23). Furthermore, Applicant submits that Driesch Jr.’s

“maintaining query implementation information” does not remedy the deficiencies of the references discussed above (See, Driesch, Jr., Abstract).

Therefore, Applicant respectfully submits that for at least these reasons independent claim 1 is patentably distinct from the cited references, taken either alone or in combination. Applicant also submits that the independent claims 25-28, 51-54, 76-84 are patentably distinct from the cited references for at least similar reasons. Further, Applicant submits that claims 2-24, 29-50 and 55-75, which are directly or indirectly dependent from independent claims 1, 28 and 54, respectively, are also patentably distinct from the cited references for at least similar reasons. Accordingly, Applicant requests withdrawal of the rejections on these grounds.

**CONCLUSION**

Applicant respectfully requests reconsideration in view of the foregoing amendments and remarks, respectfully submits that the claims as presented herein are allowable over the art of record and that the application is in condition for allowance, which action is earnestly solicited.

The Examiner is invited to contact the undersigned at the telephone number below, should that in anyway facilitate prosecution.

Applicant believes that the attached extension of time is sufficient for the timely submission of this paper. However, should any supplemental extension of time be necessary to render this filing timely, such extension is hereby petitioned and the Commissioner is hereby authorized to charge any additional fees which may be required for this paper, or credit any overpayment, to Deposit Account No. 13-4500, Order No. 4241-4002

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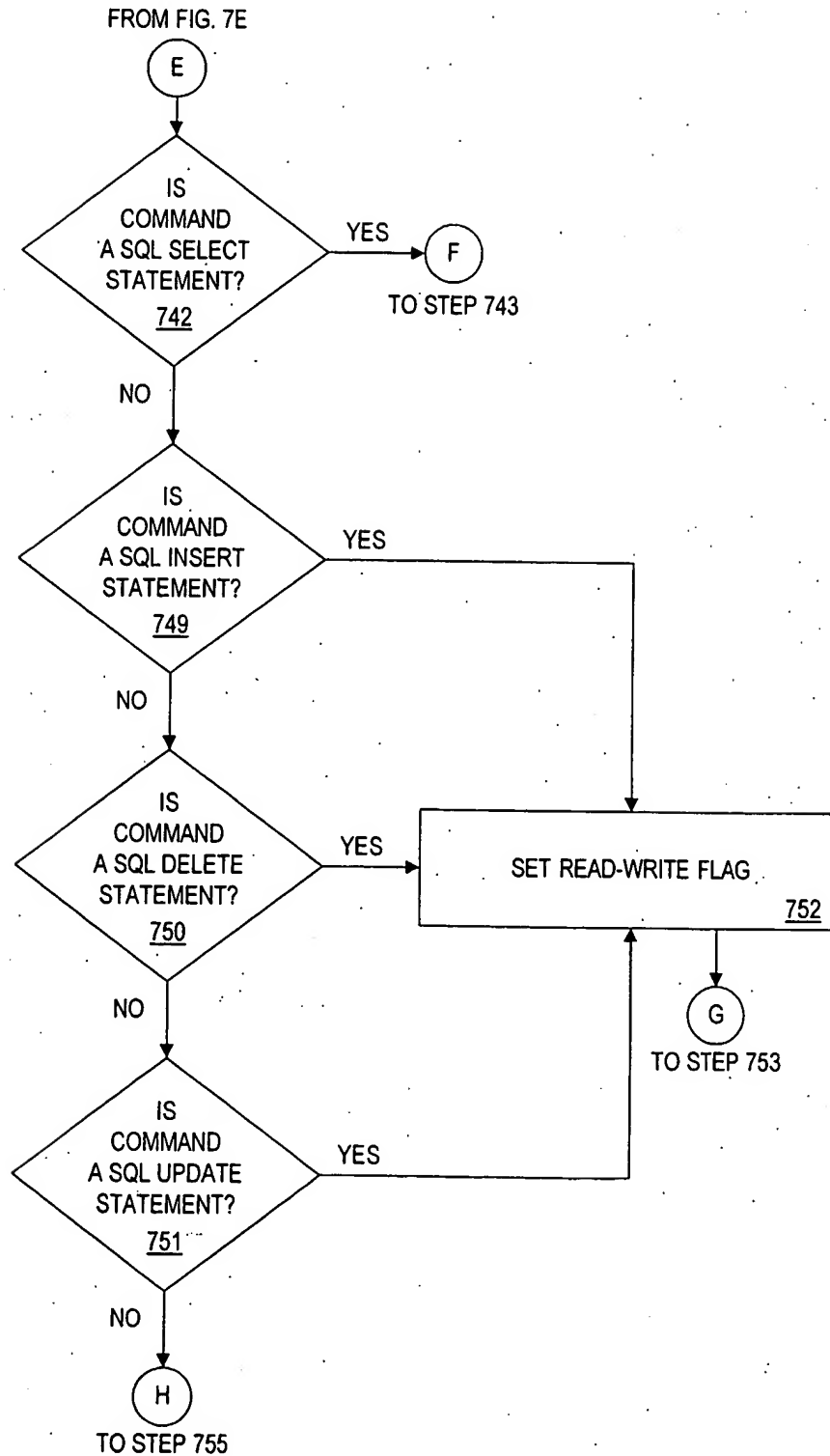
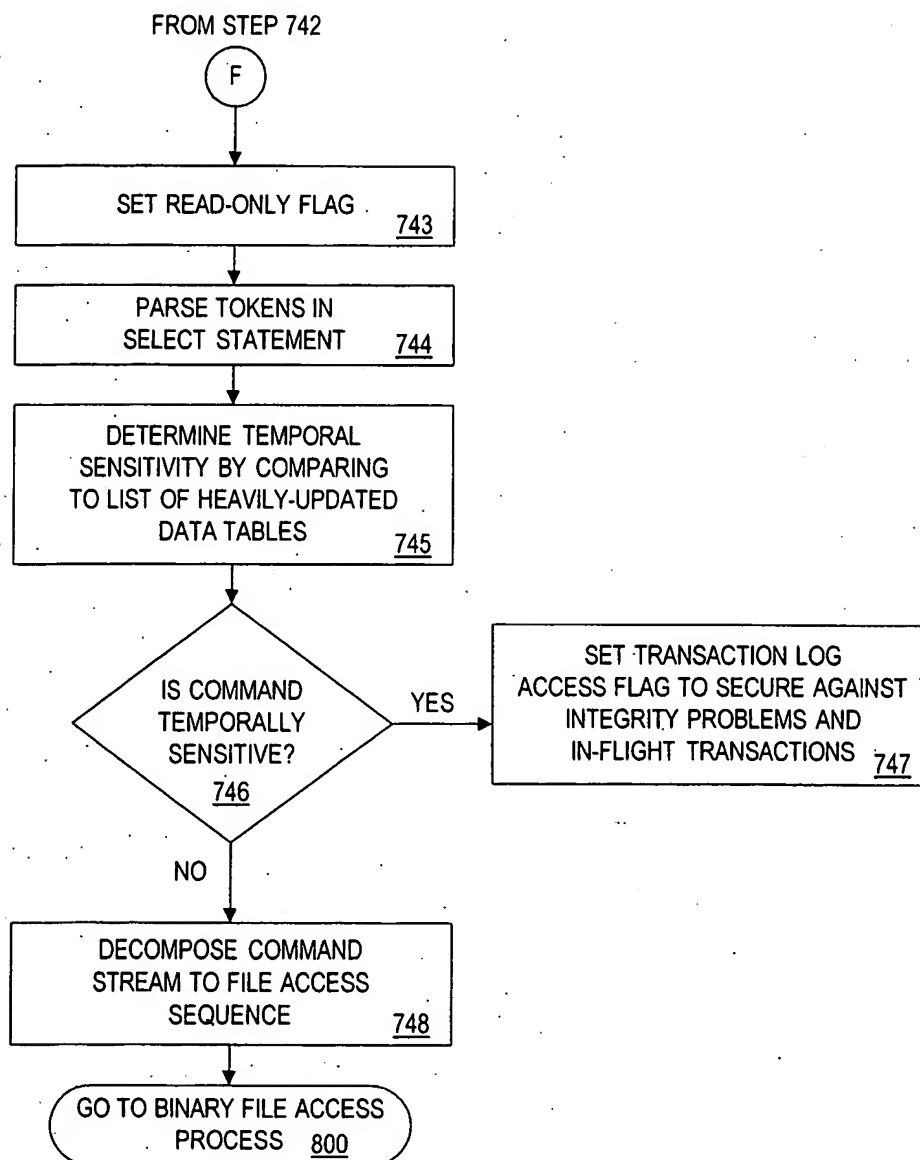
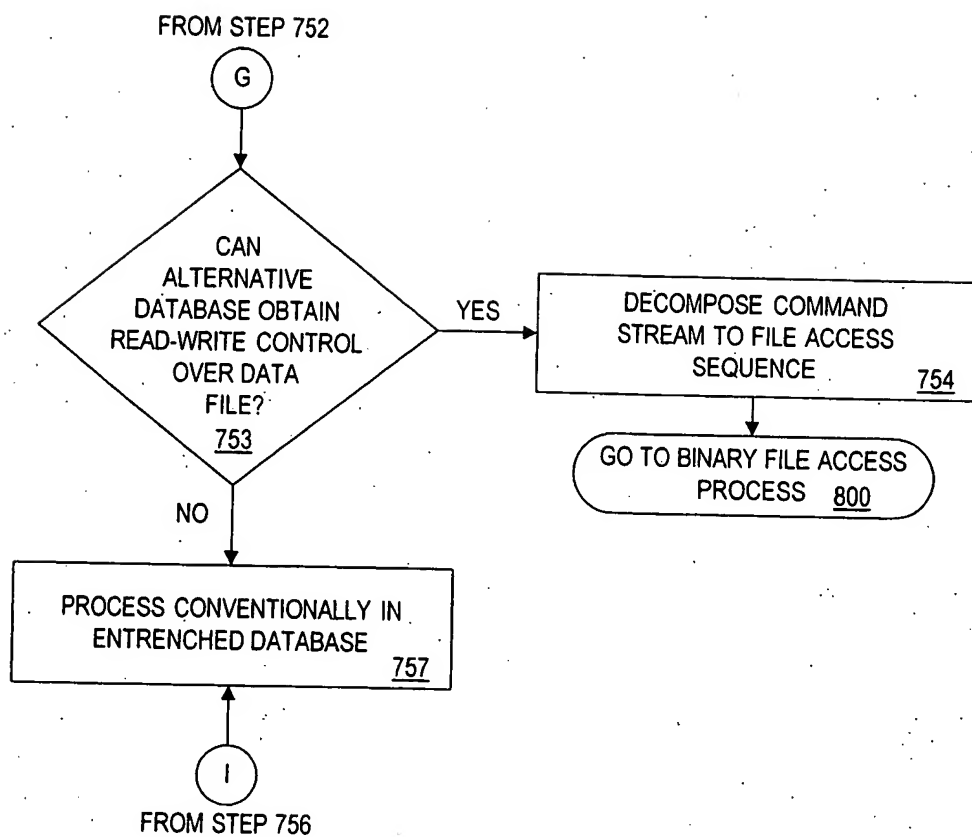


FIG. 7F1

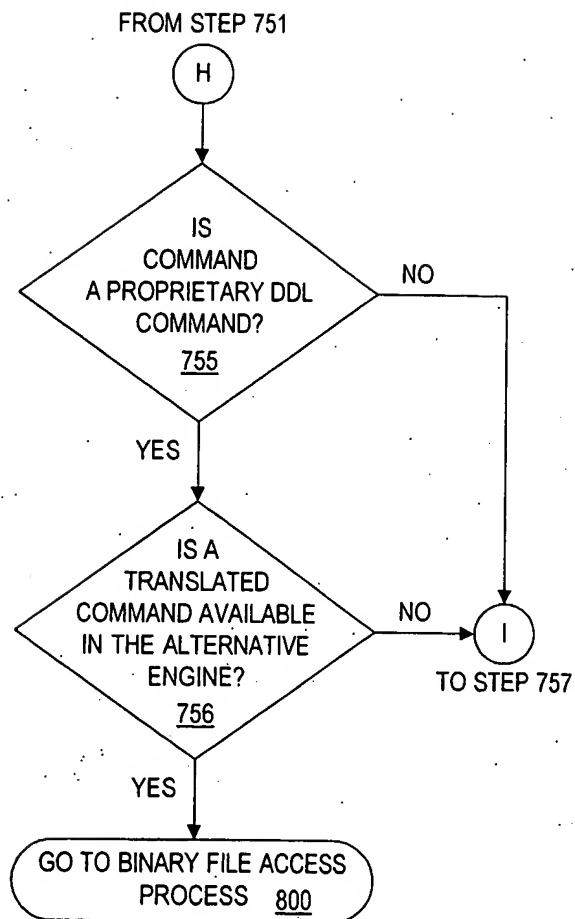
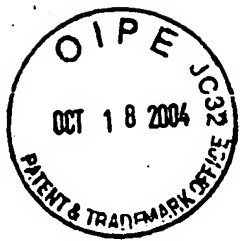


7F2  
FIG. 7F (CONT.)



7F3  
FIG. 7F-(CONT.)





7F4  
FIG. 7F (CONT.)